Crl. Rev. No. 251/2001
(Old No. 1380/1988)
Hon'ble Irshad Hussain, J.

None appear for the parties.

This revision was preferred under section 397/401 of the Code of Criminal Procedure (hereinafter called the 'Code') against the order dated 18-7-1988 passed by the then Munsif Magistrate L.C.C., Dehradun whereby the maintenance which was awarded under section 125 of the 'Code' at the rate of Rs. 100/- per month was directed to be enhanced to Rs. 200/- per month in view of the changed circumstances. From perusal of the record it can not be doubted that the maintenance was initially fixed at the rate of Rs. 100/0 per month in the year 1968 and the application under section 127 of the 'Code' was preferred after about 9 years in 1987. During these years the living standard had considerably revised to great heights and that inflationary trends have caused constraints on the income of the people in general. The respondent no.2 was therefore bound to spent more money and which can only be available to her from the maintenance allowance payable by the husband. The order of enhancement of the maintenance allowance therefore can not be said to unjust.

The impugned order does not suffer from impropriety and therefore the revision being devoid of merit is dismissed. The stay order dated 28-9-1988 is vacated.

(Irshad Hussain, J.)

Dated; 25-3-2004
ISB